

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
Western District of Washington

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In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Facebook account 100008553699617,
with the user name "Yoboi Ed,"

Case No.

MJ19-5035

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Subject Facebook account 100008553699617, with the user name "Yoboi Ed," as further described in Attachment A, which is attached hereto and incorporated herein by this reference.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is attached hereto and incorporated herein by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☒ a person to be arrested or a person who is unlawfully restrained.

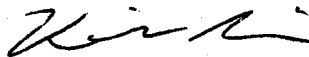
The search is related to a violation of:

Code Section	Offense Description
Title 18, U.S.C. §§ 3585, 3142	Supervised Release Violation

The application is based on these facts:

See attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

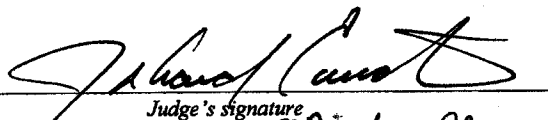
Kevin Grier, US Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/08/2019

City and state: Tacoma, Washington



Judge's signature

U.S. Magistrate Judge David W. Christel

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user ID 100008553699617, stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

AFFIDAVIT OF DUSM GRIER
ATTACHMENT A - 1

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook shall disclose the following information to the government for the user ID listed in Attachment A:

(a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;

(b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;

(c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;

(d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; Friend lists, including the Friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

(e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

(f) All "check ins" and other location information;

(g) All IP logs, including all records of the IP addresses that logged into the account;

AFFIDAVIT OF DUSM GRIER

ATTACHMENT B - 1

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

- 1 (h) All records of the account's usage of the "Like" feature, including all
2 Facebook posts and all non-Facebook webpages and content that the user has "liked";
3 (i) All information about the Facebook pages that the account is or was a "fan"
4 of;
5 (j) All past and present lists of friends created by the account;
6 (k) All records of Facebook searches performed by the account;
7 (l) All information about the user's access and use of Facebook Marketplace;
8 (m) The types of service utilized by the user;
9 (n) The length of service (including start date) and the means and source of any
10 payments associated with the service (including any credit card or bank account number);
11 (o) All privacy settings and other account settings, including privacy settings
12 for individual Facebook posts and activities, and all records showing which Facebook
13 users have been blocked by the account;
14 (p) All records pertaining to communications between Facebook and any
15 person regarding the user or the user's Facebook account, including contacts with support
16 services and records of actions taken.
17 (q) All historical physical location data (to include GPS, Latitude, Longitude,
18 or other location data by whatever mechanism or terminology) collected and stored by
19 Facebook location services via the user's mobile phone or other device.

20 **II. Information to be seized by the government**

21 The following information described above in Section I that relates to the ongoing
22 fugitive investigation involving Edward Gentry, for the user ID identified on
23 Attachment A:

- 24 (a) Any content including e-mails, messages, texts, photographs, visual
25 images, documents, spreadsheets, address lists, contact lists or communications of any
26 type that identify the user, and his or her location at any time since December 25th, 2018;
27
28

1 (b) All records relating to who created and used the user ID, and all records
2 identifying any person with whom the user has been in contact at any time since
3 December 25, 2018.

4 (c) All subscriber records associated with the specified account, including
5 name, address, local and long distance telephone connection records, records of session
6 times and durations, length of service (including start date) and types of service utilized,
7 telephone or instrument number or other subscriber number or identity, including any
8 temporarily assigned network address, and means and source of payment for such service
9 including any credit card or bank account number.

10 (d) Any and all other log records, including IP address captures, associated
11 with the specified account.

12 (e) Any records of communications between Facebook and any person about
13 issues relating to the account, such as technical problems, billing inquiries, or complaints
14 from other users about the specified account. This to include records of contacts between
15 the subscriber and the provider's support services, as well as records of any actions taken
16 by the provider or subscriber as a result of the communications.

17 (f) All historical physical location data (to include GPS, Latitude, Longitude,
18 or other location data by whatever mechanism or terminology) collected and stored by
19 Facebook location services via the user's mobile phone or other device since December
20 25, 2018.

AFFIDAVIT OF KEVIN GRIER

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Kevin Grier, having been duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for certain information associated with Facebook account 100008553699617, with the user name "Yoboi Ed," stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government copies of the information, including the content of communications, further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Deputy United States Marshal and have been employed by the United States Marshals Service (USMS) for nine years. In 2014, I was assigned to the USMS-sponsored Western District of Washington Violent Offender Task Force. I operate out of the United States Courthouse in Seattle, Washington. My training has included attending the Criminal Investigators Training Program at the Federal Law Enforcement Training Center, as well as Basic Deputy United States Marshal Training in Glynco, Georgia. I have also completed High Risk Fugitive Apprehension (HRFA) training in Los Angeles, CA. I have been the case agent for numerous fugitive cases. I have used various methods to conduct in-depth investigations to locate fugitives. I have received training and experience involving criminal investigations and electronic surveillance.

AFFIDAVIT OF DUSM GRIER - 1

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1 3. The facts in this affidavit come from my personal observations, my training
2 and experience, and information obtained from other agents and witnesses. This affidavit
3 is intended to set forth the facts relevant to the determination of probable cause for the
4 requested warrant, and does not set forth all of my knowledge about this matter.

5 4. Based on my training and experience and the facts set forth in this affidavit,
6 I believe there is probable cause to search the information described in Attachment A for
7 evidence of Edward Gentry's location.

8 **THE INVESTIGATION**

9 5. In September 2008, Edward GENTRY was convicted of and sentenced for
10 Sex Trafficking of Children by Force, Fraud, or Coercion, in violation of 18 U.S.C. §
11 1591(a)(1), in the Eastern District of California. As part of the sentence, GENTRY was
12 ordered to serve 108 months in prison and 96 months of supervised release. His
13 supervised release conditions included prohibition on possession of a firearm and
14 registering as a sex offender according the applicable federal and state laws. By virtue of
15 his conviction, GENTRY became a sex offender, is required to register as such, and
16 update his registration within three business days of any change in his residence.

17 6. In April 2015, following GENTRY's release from custody, his supervised
18 release was transferred to the Western District of Washington. Since then, he has had
19 numerous supervised release violations, including violations related to controlled
20 substances.

21 7. On November 29, 2018, the Honorable Benjamin H. Settle, Western
22 District of Washington, issued an arrest warrant for GENTRY following repeated
23 violations related to substance abuse and failure to attend treatment. On December 10,
24 2018, GENTRY was arrested. He was released on the same day on location monitoring.

25 8. On December 25, 2018, GENTRY cut off his ankle bracelet for location
26 monitoring and absconded. The Honorable Theresa L. Fricke, Western District of
27 Washington, issued an arrest warrant for GENTRY on the same day.

1 9. Since then, the United States Marshals Service (USMS) has been diligently
2 searching for GENTRY but without success. Gentry has not surrendered himself on the
3 outstanding warrant and has made no attempt to contact law enforcement to take steps
4 toward self-surrendering.

5 10. During the period of GENTRY's abscondment, two potential criminal
6 incidents involving GENTRY have been reported. First, on January 8, 2019, the King
7 County Sheriff's Office (KCSO) received a complaint that GENTRY had pulled a gun on
8 his acquaintance following an argument. According to the police report I reviewed,
9 GENTRY visited the acquaintance's apartment in Burien and asked her to let him stay in
10 her apartment. When the acquaintance refused, an argument ensued, during which
11 GENTRY pulled a gun on her. GENTRY subsequently tackled the acquaintance into the
12 ground and punched the acquaintance's roommate in the face.

13 11. Second, on February 28, 2019, the Seattle Police Department received a
14 complaint that GENTRY had assaulted his domestic partner. According to the police
15 report I reviewed, GENTRY, among other things, punched and kicked his domestic
16 partner at least 30 times, smashed her head on the TV, and strangled her with both hands
17 to the point where she lost consciousness. According to staff at the Swedish – Cherry Hill
18 hospital, the victim sustained a broken nose and broken rib.

19 12. In addition, GENTRY has not updated his sex offender registration since
20 December 25, 2018, even though he no longer resides at the address under which he was
21 previously registered. Under 18 U.S.C. § 2250(a), it is a federal felony for a person who
22 is required to register as a sex offender and is a sex offender by reason of a conviction
23 under Federal law, including a conviction for violating 18 U.S.C. § 1591, to knowingly
24 fail to update his registration.

25 13. As part of my attempt to locate GENTRY, I searched for GENTRY on
26 Facebook. I located a Facebook page belonging to Facebook account with the profile
27 name "Yoboi Ed," Facebook Identification Number: 100008553699617 (hereinafter
28 "Target Facebook Account"). I compared GENTRY's driver's license and booking

1 | photos with photos on the Target Facebook Account and positively identified them as a
2 | match.

3 | 14. Review of the profile indicates user activity as recently as March 6, 2019.

4 | 15. Based on my training and experience, I believe that information contained
5 | in GENTRY's Facebook account will assist me in locating and apprehending GENTRY.
6 | For example, internet protocol (IP) addresses that GENTRY has used to access the
7 | account may be used to determine GENTRY's physical location. Communications
8 | between GENTRY and others contained in the account may identify locations at which
9 | GENTRY has been and/or is planning to be, and may help identify persons with whom
10 | GENTRY is in contact, who may have knowledge of his whereabouts. Additionally,
11 | photographs contained in the account may depict places that GENTRY has been, and
12 | may be used to identify persons with whom Gentry has been in contact, who may have
13 | knowledge of his whereabouts.

14 | **FACEBOOK SOCIAL NETWORKING SERVICES**

15 | 16. Facebook owns and operates a free-access social networking website of the
16 | same name that can be accessed at <http://www.facebook.com>. Facebook allows its users
17 | to establish accounts with Facebook, and users can then use their accounts to share
18 | written news, photographs, videos, and other information with other Facebook users, and,
19 | sometimes, with the general public.

20 | 17. Facebook asks users to provide basic contact and personal identifying
21 | information, either during the registration process or thereafter. This information includes
22 | the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords,
23 | Facebook security questions and answers (for password retrieval), physical address
24 | (including city, state, and zip code), telephone numbers, screen names, websites, and
25 | other personal identifiers. Facebook also assigns a user identification number to each
26 | account.

27 | 18. Facebook users may join one or more groups or networks to connect and
28 | interact with other users who are members of the same group or network. Facebook

1 assigns a group identification number to each group. A Facebook user can also connect
2 directly with individual Facebook users by sending each user a "Friend Request." If the
3 recipient of a "Friend Request" accepts the request, then the two users will become
4 "Friends" for purposes of Facebook and can exchange communications or view
5 information about each other. Each Facebook user's account includes a list of that user's
6 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
7 such as profile changes, upcoming events, and birthdays.

8 19. Facebook users can select different levels of privacy for the
9 communications and information associated with their Facebook accounts. By adjusting
10 these privacy settings, a Facebook user can make information available only to himself or
11 herself, to particular Facebook users, or to anyone with access to the Internet, including
12 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
13 friends to facilitate the application of these privacy settings. Facebook accounts also
14 include other account settings that users can adjust to control, for example, the types of
15 notifications they receive from Facebook.

16 20. Facebook users can create profiles that include photographs, lists of
17 personal interests, and other information. Facebook users can post "status" updates about
18 their whereabouts and actions, as well as links to videos, photographs, articles, and other
19 items available elsewhere on the Internet. Facebook users can also post information about
20 upcoming "events," such as social occasions, by listing the events' time, location, host,
21 and guest list. In addition, Facebook users can "check in" to particular locations or add
22 their geographic locations to their Facebook posts, thereby revealing their geographic
23 locations at particular dates and times. A user's profile page also includes a "Wall,"
24 which is a space where the user and his or her "Friends" can post messages, attachments,
25 and links that typically are visible to anyone who can view the user's profile.

26 21. Facebook allows users to upload photos and videos. It also provides users
27 the ability to "tag" (*i.e.*, label) other Facebook users in a photo or video. When a user is
28 tagged in a photo or video, he or she receives a notification of the tag and a link to see the

1 photo or video. For Facebook's purposes, the photos and videos associated with a user's
2 account will include all photos and videos uploaded by that user that have not been
3 deleted, as well as all photos and videos uploaded by any user that have that user tagged
4 in them.

5 22. Facebook users can exchange private messages on Facebook with other
6 users. These messages, which are similar to e-mail messages, are sent to the recipient's
7 Facebook "Inbox," which also stores copies of messages sent by the recipient, as well as
8 other information. Facebook users can also post comments on the Facebook profiles of
9 other users or on their own profiles; such comments are typically associated with a
10 specific posting or item on the profile. In addition, Facebook has a Chat feature that
11 allows users to send and receive instant messages through Facebook. These chat
12 communications are stored in the chat history for the account. Facebook also has a Video
13 Calling feature, and, although Facebook does not record the calls themselves, it does keep
14 records of the date of each call.

15 23. If a Facebook user does not want to interact with another user on Facebook,
16 the first user can "block" the second user from seeing his or her account.

17 24. Facebook has a "like" feature that allows users to give positive feedback or
18 connect to particular pages. Facebook users can "like" Facebook posts or updates, as well
19 as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can
20 also become "fans" of particular Facebook pages.

21 25. Facebook has a search function that enables its users to search Facebook for
22 keywords, usernames, or pages, among other things.

23 26. Each Facebook account has an activity log, which is a list of the user's
24 posts and other Facebook activities from the inception of the account to the present. The
25 activity log includes stories and photos that the user has been tagged in, as well as
26 connections made through the account, such as "liking" a Facebook page or adding
27 someone as a friend. The activity log is visible to the user but cannot be viewed by people
28 who visit the user's Facebook page.

1 27. Facebook Notes is a blogging feature available to Facebook users, and it
2 enables users to write and post notes or personal web logs ("blogs"), or to import their
3 blogs from other services, such as Xanga, LiveJournal, and Blogger.

4 28. The Facebook Gifts feature allows users to send virtual "gifts" to their
5 friends that appear as icons on the recipient's profile page. Gifts cost money to purchase,
6 and a personalized message can be attached to each gift. Facebook users can also send
7 each other "pokes," which are free and simply result in a notification to the recipient that
8 he or she has been "poked" by the sender.

9 29. Facebook also has a Marketplace feature, which allows users to post free
10 classified ads. Users can post items for sale, housing, jobs, and other items on the
11 Marketplace.

12 30. In addition to the applications described above, Facebook also provides its
13 users with access to thousands of other applications on the Facebook platform. When a
14 Facebook user accesses or uses one of these applications, an update about that the user's
15 access or use of that application may appear on the user's profile page.

16 31. Some Facebook pages are affiliated with groups of users, rather than one
17 individual user. Membership in the group is monitored and regulated by the administrator
18 or head of the group, who can invite new members and reject or accept requests by users
19 to enter. Facebook can identify all users who are currently registered to a particular group
20 and can identify the administrator and/or creator of the group. Facebook uses the term
21 "Group Contact Info" to describe the contact information for the group's creator and/or
22 administrator, as well as a PDF of the current status of the group profile page.

23 32. Facebook uses the term "Neoprint" to describe an expanded view of a given
24 user profile. The "Neoprint" for a given user can include the following information from
25 the user's profile: profile contact information; News Feed information; status updates;
26 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
27 including the friends' Facebook user identification numbers; groups and networks of
28 which the user is a member, including the groups' Facebook group identification

1 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
2 pokes; tags; and information about the user's access and use of Facebook applications.

3 33. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
4 address. These logs may contain information about the actions taken by the user ID or IP
5 address on Facebook, including information about the type of action, the date and time of
6 the action, and the user ID and IP address associated with the action. For example, if a
7 user views a Facebook profile, that user's IP log would reflect the fact that the user
8 viewed the profile, and would show when and from what IP address the user did so.

9 34. Social networking providers like Facebook typically retain additional
10 information about their users' accounts, such as information about the length of service
11 (including start date), the types of service utilized, and the means and source of any
12 payments associated with the service (including any credit card or bank account number).
13 In some cases, Facebook users may communicate directly with Facebook about issues
14 relating to their accounts, such as technical problems, billing inquiries, or complaints
15 from other users. Social networking providers like Facebook typically retain records
16 about such communications, including records of contacts between the user and the
17 provider's support services, as well as records of any actions taken by the provider or
18 user as a result of the communications.

19 35. Therefore, the computers of Facebook are likely to contain all the material
20 described above, including stored electronic communications and information concerning
21 subscribers and their use of Facebook, such as account access information, transaction
22 information, and other account information.

23 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

24 36. I anticipate executing this warrant under the Electronic Communications
25 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by
26 using the warrant to require Facebook to disclose to the government copies of the records
27 and other information, including the content of communications, particularly described in
28 Section I of Attachment B. Upon receipt of the information described in Section I of

1 Attachment B, government-authorized persons will review that information to locate the
2 items described in Section II of Attachment B.

3 **REQUEST FOR NONDISCLOSURE AND SEALING**

4 37. I request, pursuant to the preclusion-of-notice provisions of Title 18, United
5 States Code, Section 2705(b), that Facebook be ordered not to notify any person,
6 including the subscriber or customer to which the materials relate, of the existence of this
7 warrant for such period as the Court deems appropriate. The government submits that
8 such an order is justified because notification of the existence of this Order would
9 seriously jeopardize the ongoing investigation. Such a disclosure would give the
10 subscriber an opportunity to destroy change patterns of behavior and to continue his
11 flight from prosecution

12 38. I further request that the Court order that all papers in support of this
13 application, including the affidavit and search warrant, be sealed until further order of the
14 Court. These documents discuss an ongoing fugitive investigation that is neither public
15 nor known to the target of the investigation. Accordingly, there is good cause to seal
16 these documents because their premature disclosure may seriously jeopardize the
17 investigation by assisting the target's continued flight from prosecution.

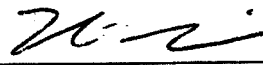
18 **CONCLUSION**

19 39. Based on the forgoing, I request that the Court issue the proposed search
20 warrant. This Court has jurisdiction to issue the requested warrant because it is "a court
21 of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),
22 (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . .
23 that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).
24 Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not
25 required for the service or execution of this warrant. Accordingly, by this Affidavit, I
26 seek authority for the government to search all of the items specified in Section I,

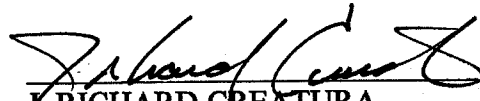
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1 Attachment B (attached hereto and incorporated by reference herein) to the Warrant, and
2 specifically to seize all of the data, documents and records that are identified in Section II
3 to that same Attachment.

4
5 
6 KEVIN GRIER
7 Deputy United States Marshal
8 United States Marshals Service

9 The above-named agent provided a sworn statement attesting to the truth of the contents of the
10 foregoing affidavit on 8th day of March, 2019.

11
12 
13 J. RICHARD CREATURA
14 United States Magistrate Judge
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